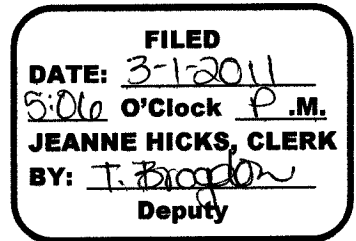


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

JEANNE HICKS, CLERK

HON. WARREN R. DARROW

BY: T. Brogdon/R. Hagen, Deputy Clerks

CASE NO. V1300CR201080049

DATE: March 1, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney  
Sheila Polk/Bill Hughes,  
(via OnBase)  
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly,  
(via electronic mail)  
(Co-Counsel for Defendant)

(Defendant)

Luis Li/Brad Brian/Truc Do/Miriam Seifter  
MUNGER TOLLES & OLSON LLP,  
(via electronic mail)  
(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

TRIAL – Day 7 Pretrial Conference/Trial

Mina Hunt

START TIME: 8:38 a.m.

APPEARANCES:

Sheila Polk, Counsel for State  
Bill Hughes, Co-Counsel for State  
Detective Ross Diskin, Case Agent  
James Arthur Ray, Defendant  
Tom Kelly, Co-Counsel for Defendant  
Luis Li, Co-Counsel for Defendant  
Truc Do, Co-Counsel for Defendant  
Miriam Seifter, Co-Counsel for Defendant  
Brad Brian, Co-Counsel for Defendant  
Victim Services Representative

**Pretrial Conference**

State's Counsel, Detective Ross Diskin, Counsels for Defendant, Defendant and Victim Witness Advocate are present in the Courtroom.

Court and Counsel conduct sidebar discussion on the record.

~~~Recess~~~

At 10:15 a.m. Court reconvenes, State's Counsel, Detective Ross Diskin, Counsels for Defendant, Defendant and Victim Witness Advocate are present in the Courtroom.

Court advises there was a delay of appearance by a Juror due to illness, Trial will begin.

Court and Counsel discuss Preliminary Jury instructions and reading of the Indictment.

**IT IS ORDERED** Clerk shall replace the word "Defendant" with the words "Mr. Ray" in the announcement of the plea after the Indictment is read.

Court and Counsel discuss 404B issues. Court clarifies testimony and evidence regarding Defendant's level of knowledge. Rebuttal evidence may be given.

**IT IS ORDERED** the Court's original 404B ruling stands.

Oral Argument of 404B ruling ensues.

Court and Counsel discuss post sweat lodge events, admissible and inadmissible evidence or testimony under 404B, and scheduling.

~~~Recess~~~

At 11:24 a.m. Court reconvenes, State's Counsel, Detective Ross Diskin, Counsels for Defendant, Defendant and Victim Witness Advocate are present in the Courtroom.

Court and Counsel discuss expert testimony and finalize Preliminary Jury Instructions.

Court and Counsel discuss email correspondence received from Mr. Gold. A copy of the email is provided to both Counsel in open Court. Court takes no action.

Court addresses a request for a second camera. State objects. Counsel for Defendant submits to State's objection.

**IT IS ORDERED** confirming the original ruling.

Counsel for State advises an exhibit was provided to the Clerk for marking pertaining to the issues discussed in chambers, and requests the exhibit be sealed.

**IT IS ORDERED** said exhibit be sealed.

~~~Recess~~~

At 1:33 p.m. Court, Counsel, Defendant, Detective Ross Diskin and the Jury are present in the Courtroom.

At 1:34 p.m. the Jury is sworn.

The Clerk is directed to read the Indictment and state the Defendant's pleas of not guilty to the Jury.

The Court gives Preliminary Instructions to the Jury.

Counsel for State presents opening statement.

~~~Recess~~~

At 3:35 p.m. Court, Counsel, Defendant, Detective Ross Diskin and the Jury are present in the Courtroom.

Counsel for State resumes opening statement.

Counsel for Defendant presents opening statement.

Court and Counsel conduct sidebar discussion out of the presence of the Jury on the record.

Counsel for Defendant resumes opening statement.

The Jury is reminded of the admonition and excused for the evening recess. The Court advises the Jury to return on March 2, 2011 at 9:00 a.m. The Jury exits the Courtroom.

Court advises there was reference made during the Preliminary Instructions to the March 1, 2011 note that was displayed to Counsel. The Court makes this note part of the record.

Court addresses a Juror question and makes it part of the record.

Counsel for State advises two additional exhibits were submitted to the Clerk and requests they be sealed. **IT IS ORDERED** sealing the two exhibits submitted to the Clerk.

Court stands adjourned for the day.

**END TIME: 5:06 p.m.**

**THEREAFTER OFF THE RECORD, IT IS ORDERED** redacting the names and numbers within the question from the Juror.

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Verde